

C1-84-2137
AMENDED SUPPLEMENTAL NOTICE

JUNE 25, 1987 PUBLIC HEARING
TO CONSIDER ADOPTION OF
AMENDMENTS TO THE RULES
OF CRIMINAL PROCEDURE

Recent legislation regarding the order of final argument also affects the issue of joint trials. Therefore, at the June 25, 1987 public hearing, the Minnesota Supreme Court will also consider amending the Rules of Criminal Procedure in conformance with the following legislative enactment:

"When two or more defendants are jointly charged with a felony, they may be tried separately or jointly in the discretion of the court. In making its determination on whether to order joinder or separate trials, the court shall consider the nature of the offense charged, the impact on the victim, the potential prejudice to the defendant, and the interests of justice."

The public hearing will be held as scheduled on June 25, 1987, at 11:00 a.m. in the Courtroom of the Supreme Court in the State Capitol in St. Paul. As set forth in the earlier order of the court, the deadline for filing written statements and requesting oral argument is June 12, 1987.

OFFICE OF
APPELLATE COURTS
FILED

MAY 29 1987

WAYNE TSCHIMPERLE
CLERK

(between present ¶ 52 & 53)

Rule 17.03, Subd. 2. Joinder of Defendants.

Amend this rule as follows:

(1) Felony and Gross Misdemeanor Cases. When two or more defendants shall be are jointly charged with a felony, they shall be tried separately provided; however, upon written motion, the court in the interests of justice and not solely related to economy of time or exepense may order a joint trial for any two or more said defendants they may be tried separately or jointly in the discretion of the court. In making its determination on whether to order joinder or separate trials, the court shall consider the nature of the offense charged, the impact on the victim, the potential prejudice to the defendant, and the interests of justice. In cases other than felonies, defendants jointly charged may be tried jointly or separately, in the discretion of the court. In all cases any one or more of said defendants may be convicted or acquitted.

(1) Misdemeanor Cases. Defendants jointly charged may be tried jointly or separately, in the discretion of the court. In all cases, any one or more of said defendants may be convicted or acquitted.

Amendments to Rules of Criminal Procedure.

Comments on Rule 17.03, subd. 2:

Delete entirely the sixteenth paragraph of the comments on Rule 17.